

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYMBOLITY INNOVATIONS, LLC,	§	
	§	
	§	
<i>Plaintiff,</i>	§	
	§	
	§	
v.	§	CIVIL ACTION NO. 2:23-CV-00419-JRG
VALVE CORPORATION, GEARBOX	§	
SOFTWARE, L.L.C.,	§	
	§	
	§	
<i>Defendants.</i>	§	

ORDER

Before the Court is the Joint Motion to Sever and Stay Claims Against Defendant Gearbox Software, L.L.C. (the “Joint Motion”) filed by Defendant Gearbox Software, L.L.C. (“Gearbox”) and Plaintiff Symbolity Innovations, LLC (“Plaintiff”) (together, the “Parties”). (Dkt. No. 65). Gearbox’s Co-Defendant Valve Corporation (“Valve”) does not oppose the Joint Motion. (*Id.* at 1, 7). In the Joint Motion, the Parties represent that “Symbolity’s allegations of infringement in this case are directed solely to the Steam mobile application, which is a product of another defendant in this case, Valve.” (*Id.*). As such, the Parties contend that “[r]esolution of Symbolity’s claims against Valve will resolve major issues concerning the claims against Gearbox, and staying the case as to Gearbox will serve the goals of efficiency and judicial economy.” (*Id.*). The Parties conclude that “[u]nder each of the customer-suit doctrine, Federal Rule of Civil Procedure 21, and the traditional stay factors, this Court should sever and stay Symbolity’s claims against Gearbox.” (*Id.* at 1).

Having considered the Parties’ arguments (*id.* at 2-6) in the Joint Motion, and noting its agreed and unopposed nature, the Court finds that severance and stay of Plaintiff’s case against

Gearbox is warranted and that the Joint Motion should be and hereby is **GRANTED**. Accordingly, it is **ORDERED** that Plaintiff's claims against Gearbox are **SEVERED** into a separate case. The Clerk of Court is directed to designate a new case number for the severed case. It is further **ORDERED** that the severed case is **STAYED** in its entirety until the earlier of a final judgment in the above-captioned case or subsequent order of this Court. The Parties shall inform the Court promptly by joint notice in the severed case as to any disposition of the above-captioned case.

So Ordered this

Jun 5, 2024



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE